

BILL NO. 87-30
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 87-30 (AS AMENDED)

Introduced by Council Member Schafer

Legislative Day No. 87-23 Date August 4, 1987

AN ACT to add new Article I, heading, Compensation For Livestock Damaged By Dogs, to new Chapter 163, heading, Livestock, of the Harford County Code, as amended; to authorize the County to compensate a person whose livestock is damaged by a dog; to establish procedures for investigation, appraisal, and payment of damages when livestock is damaged by dogs; to require the Harford County Sheriff to adopt regulations to carry out the provisions of this Act; to allow the County to seek reimbursement from a person whose dog damages livestock; and generally relating to compensation for livestock damaged by a dog.

By the Council, August 4, 1987

Introduced, read first time, ordered posted and public hearing scheduled

on: September 1, 1987

at: 6:30 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on September 1, 1987

and concluded on September 1, 1987

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that new Article I, heading, Compensation For
3 Livestock Damaged By Dogs, be, and is hereby added to new Chapter
4 163, heading, Livestock, of the Harford County Code, as amended,
5 all to read as follows:

6 CHAPTER 163. LIVESTOCK.

7 ARTICLE I. COMPENSATION FOR LIVESTOCK DAMAGED BY DOGS.

8 SECTION 163-1. DEFINITIONS.

9 IN THIS ARTICLE, THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED:

11 A. "LIVESTOCK" MEANS AN ANIMAL COMMERCIALY RAISED FOR
12 PROFIT, AND INCLUDES CATTLE, GOATS, HORSES, POULTRY, SHEEP,
13 SWINE, AND FUR BEARING ANIMALS, BUT DOES NOT INCLUDE ANIMALS KEPT
14 AS HOUSEHOLD PETS.

15 SECTION 163-2. AUTHORIZATION.

16 THE COUNTY COUNCIL IS HEREBY AUTHORIZED TO AWARD COMPENSA-
17 TION TO ANY PERSON WHOSE LIVESTOCK IS DESTROYED OR INJURED BY A
18 DOG IN HARFORD COUNTY. ALL MONEY COLLECTED FROM THE PAYMENT OF
19 DOG LICENSES SHALL BE KEPT IN THE GENERAL FUND BY THE DEPARTMENT
20 OF TREASURY. ~~AND SHALL BE USED FOR THE PAYMENT OF DAMAGES AS SET~~
21 ~~OUT HEREIN FOR THE DESTRUCTION OR INJURY OF LIVESTOCK.~~ AN
22 APPROPRIATION OF SEVENTY-FIVE HUNDRED DOLLARS (\$7,500.00) SHOULD
23 BE BUDGETED ANNUALLY IN THE SHERIFF'S DEPARTMENT BUDGET FOR
24 PAYMENT OF AWARDS. THIS AMOUNT MAY BE INCREASED OR DECREASED BY
25 THE COUNTY EXECUTIVE. IN THE EVENT THERE ARE INSUFFICIENT FUNDS
26 FOR THE PAYMENT OF ALL DAMAGES, THE DAMAGES SHALL BE PAID IN THE
27 ORDER THE CLAIMS ARE PRESENTED, AND ANY PERSON OR PERSONS WHOSE
28 CLAIMS ARE NOT PAID IN ANY ONE YEAR BY REASON OF THE LACK OF
29 MONEY TO THE CREDIT OF THE FUND APPROPRIATION, SHALL BE PAID OUT
30 OF THE FIRST MONEY COMING INTO THE FUND APPROPRIATION AFTER HIS
31 CLAIM IS REACHED, AND SHALL BE PAID IN THE ORDER IN WHICH THE
32 CLAIMS ARE PROVED AND FILED; AND ANY CLAIMS NOW FILED AND PASSED

AS AMENDED

1 UPON, BUT REMAINING UNPAID, SHALL HAVE PREFERENCE OVER ANY NEW
2 CLAIMS IN THE ORDER OF PAYMENT.

3 SECTION 163-3. ADMINISTRATION OF ARTICLE.

4 THE SHERIFF OF HARFORD COUNTY SHALL ADMINISTER THE
5 PROVISIONS OF THIS ARTICLE.

6 SECTION 163-4. APPLICABILITY OF ARTICLE.

7 THE PROVISIONS OF THIS ARTICLE SHALL APPLY THROUGHOUT
8 HARFORD COUNTY, UNLESS OTHERWISE INDICATED, BUT SHALL NOT APPLY
9 WITHIN THE CORPORATE LIMITS OF ANY MUNICIPALITY WITHIN THE
10 COUNTY; PROVIDED THAT IF ANY SUCH MUNICIPALITY SHALL ADOPT THIS
11 SECTION BY LEGISLATION AND REQUEST THE COUNTY TO ENFORCE ITS
12 PROVISIONS WITHIN ITS CORPORATE LIMITS, THE COUNTY IS HEREBY
13 AUTHORIZED TO REACH AGREEMENTS WITH THE MUNICIPALITY FOR SUCH
14 ENFORCEMENT, ADMINISTRATION, AND REIMBURSEMENT TO THE COUNTY FOR
15 ALL COSTS ASSOCIATED THEREWITH. THE DIRECTOR OF THE DEPARTMENT
16 OF INSPECTIONS, LICENSES AND PERMITS SHALL NEGOTIATE ANY SUCH
17 AGREEMENT ON BEHALF OF HARFORD COUNTY; PROVIDED, HOWEVER, THAT
18 ANY SUCH AGREEMENT, PRIOR TO ITS BEING BINDING UPON HARFORD
19 COUNTY, MUST BE APPROVED BY A RESOLUTION ADOPTED BY THE COUNTY
20 COUNCIL.

21 SECTION 163-5. GENERAL PROVISIONS.

22 A. A PERSON WHOSE LIVESTOCK IS DESTROYED OR INJURED BY A
23 DOG IN HARFORD COUNTY MAY APPLY TO THE SHERIFF FOR COMPENSATION
24 UNDER THIS ARTICLE.

25 B. THE SHERIFF SHALL ADOPT REGULATIONS NECESSARY TO CARRY
26 OUT THE PROVISIONS OF THIS ARTICLE. THE REGULATIONS SHALL
27 INCLUDE A STANDARD APPLICATION FORM FOR LIVESTOCK OWNERS SEEKING
28 COMPENSATION UNDER THIS ARTICLE.

29 SECTION 163-6. APPLICATIONS.

30 A. ANY PERSON OWNING LIVESTOCK DESTROYED OR INJURED BY A
31 DOG SHALL, WITHIN TWENTY-FOUR (24) HOURS AFTER DISCOVERY OF THE
32 EVENT, PERSONALLY NOTIFY THE SHERIFF'S DEPARTMENT OF THE EVENT

1 AND FILE AN APPLICATION FOR COMPENSATION. THE COMPLAINANT SHALL
2 FILL OUT THE APPLICATION UNDER OATH. THE APPLICATION SHALL
3 INCLUDE:

4 (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
5 COMPLAINANT;

6 (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
7 OWNER OF THE PROPERTY WHERE THE INCIDENT OCCURRED;

8 (3) A DETAILED DESCRIPTION OF THE INCIDENT, INCLUDING
9 EVIDENCE THAT THE LIVESTOCK WAS DESTROYED OR INJURED BY A DOG;

10 (4) THE NUMBER AND BREED OF LIVESTOCK INJURED OR
11 DESTROYED;

12 (5) THE NATURE AND EXTENT OF THE INJURIES, INCLUDING
13 WHETHER ANY LIVESTOCK WAS DESTROYED;

14 (6) THE NUMBER OF DOGS AND BREED INVOLVED, IF KNOWN;

15 (7) THE NAME AND ADDRESS OF THE OWNER OF THE DOG, IF
16 KNOWN;

17 (8) THE NAME AND ADDRESS OF ANY WITNESS; AND

18 (9) ANY OTHER INFORMATION REQUIRED BY THE SHERIFF.

19 SECTION 163-7. PROCEDURES.

20 A. UPON RECEIPT OF AN APPLICATION FOR COMPENSATION, THE
21 SHERIFF SHALL APPOINT THREE (3) DISINTERESTED PERSONS AS
22 APPRAISERS. THE APPRAISERS SHALL HAVE GENERAL KNOWLEDGE OF THE
23 VALUE OF LIVESTOCK, AND MAY BE SELECTED FROM A LIST OF VOLUNTEERS
24 MAINTAINED BY THE SHERIFF. THE LIST MAY INCLUDE, BUT IS NOT
25 LIMITED TO, MEMBERS OF BREEDER ASSOCIATIONS. THE SHERIFF'S
26 DEPARTMENT SHALL INVESTIGATE THE INCIDENT.

27 B. (1) THE SHERIFF SHALL INSURE THAT AN APPRAISERS'
28 REPORT IS SUBMITTED. THE APPRAISERS SHALL, BY A MAJORITY, UNDER
29 OATH, STATE IN WRITING:

30 (a) THE NUMBER OF LIVESTOCK THEY BELIEVE
31 DESTROYED OR INJURED;

32 (b) THE CHARACTER AND EXTENT OF INJURY;

1 (c) THE AMOUNT OF DAMAGES SUSTAINED BY THE OWNER;

2 (d) WHETHER THEY BELIEVE THAT THE INJURY OR
3 DESTRUCTION WAS CAUSED BY A DOG;

4 (e) THAT THEY HAVE PERSONALLY VIEWED ALL INJURED
5 OR DESTROYED LIVESTOCK; AND

6 (f) ANY OTHER INFORMATION REQUESTED BY THE
7 SHERIFF.

8 (2) THE APPRAISERS SHALL BASE THEIR ESTIMATE OF THE
9 AMOUNT OF DAMAGES ON THE FAIR MARKET VALUE OF THE LIVESTOCK.

10 (3) THE SWORN REPORT OF THE APPRAISERS SHALL BE DEEMED
11 PRIMA FACIE EVIDENCE OF THE FAIRNESS OF THE AMOUNT OF DAMAGES
12 SUSTAINED.

13 C. UPON RECEIPT OF THE VERIFIED APPRAISERS' REPORT, THE
14 SHERIFF SHALL FORWARD THE REPORT AND THE APPLICATION FOR
15 COMPENSATION TO THE SECRETARY OF THE COUNCIL.

16 SECTION 163-8. HEARING BEFORE THE COUNCIL.

17 A. UPON RECEIPT OF THE REPORT AND APPLICATION, THE
18 SECRETARY OF THE COUNCIL SHALL SCHEDULE A HEARING BEFORE THE
19 COUNCIL AT THE FIRST OPPORTUNITY, AND NOTIFY THE COMPLAINANT, BY
20 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE DATE OF THE
21 HEARING.

22 B. (1) THE COUNCIL SHALL HOLD A HEARING ON THE MATTER,
23 REVIEWING THE INFORMATION SUBMITTED BY THE SHERIFF AND ANY
24 TESTIMONY OFFERED BY THE COMPLAINANT. THE COMPLAINANT'S
25 COMPLAINANT'S TESTIMONY SHALL BE UNDER OATH. AT THE HEARING, THE
26 COMPLAINANT MAY SUBMIT A WRITTEN REPORT BY AN APPRAISER OF THE
27 COMPLAINANT'S CHOICE AS TO THE VALUE OF THE LOSS. THE REPORT
28 SHALL BE UNDER OATH AND COMPLY WITH ALL OF THE REQUIREMENTS OF
29 SECTION 163-7(B) 163-7(B)(1) OF THIS ARTICLE.

30 (1) -- IF THE COUNCIL FINDS THAT THE COMPLAINANT IS THE
31 OWNER OF LIVESTOCK KILLED OR INJURED BY A DOG, IT SHALL AWARD
32 DAMAGES TO THE COMPLAINANT.

1 (2) - -UNLESS - THE - COUNCIL - FINDS - THAT - THE - APPRAISERS'
2 ESTIMATE - OF - DAMAGES - VARIES - SUBSTANTIALLY - FROM - THE - FAIR - MARKET
3 VALUE - OF - THE - LIVESTOCK, - OR - THAT - THE - ESTIMATE - WAS - NOT - MADE - IN
4 ACCORDANCE - WITH - THIS - ARTICLE, - THE - AWARD - SHALL - BE - IN - AN - AMOUNT
5 EQUAL - TO - THE - APPRAISERS' - ESTIMATE - OF - DAMAGES -

6 (2) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
7 SUBSECTION, IF THE COUNCIL FINDS THAT THE COMPLAINANT IS THE
8 OWNER OF LIVESTOCK KILLED OR INJURED BY A DOG, IT SHALL AWARD
9 DAMAGES TO THE COMPLAINANT IN AN AMOUNT EQUAL TO THE APPRAISERS'
10 ESTIMATE OF DAMAGES.

11 (3) THE COUNCIL MAY AWARD DAMAGES IN AN AMOUNT THAT
12 DIFFERS FROM THE APPRAISERS' ESTIMATE OF DAMAGES IF:

13 (A) THE COUNCIL FINDS THAT THE APPRAISERS'
14 ESTIMATE VARIES SUBSTANTIALLY FROM THE FAIR MARKET VALUE OF THE
15 LIVESTOCK; OR

16 (B) THE APPRAISERS' ESTIMATE WAS NOT MADE IN
17 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

18 SECTION 163-9. LIMITATION OF AWARD.

19 AN AWARD BY THE COUNCIL UNDER THIS ARTICLE MAY NOT EXCEED
20 FIVE HUNDRED DOLLARS (\$500.00) PER ANIMAL OR FIVE THOUSAND
21 DOLLARS (\$5,000.00) PER INCIDENT.

22 SECTION 163-10. SUBROGATION.

23 BY ACCEPTING AN AWARD UNDER THIS ARTICLE, A CLAIMANT AGREES
24 TO ASSIGN TO HARFORD COUNTY ANY CLAIMS, RIGHTS, AND CAUSES OF
25 ACTION AGAINST THE OWNER OF THE DOG THAT INJURED THE LIVESTOCK,
26 TO THE EXTENT OF THE AWARD PAID BY THE COUNTY.

27 SECTION 163-11.

28 THE COUNTY MAY SEEK REIMBURSEMENT FOR ANY AWARD PAID UNDER
29 THIS CHAPTER BY COMMENCING A CIVIL ACTION IN THE DISTRICT COURT
30 FOR HARFORD COUNTY AGAINST THE OWNER OF THE DOG RESPONSIBLE FOR
31 THE LIVESTOCK DAMAGE.

32 Section 2. And Be It Further Enacted that this act shall take

1 effect sixty (60) calendar days from the date it becomes law.

2 EFFECTIVE: November 9, 1987

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BY THE COUNCIL

BILL NO. 87-30 (as amended)

Read the third time.

Passed LSD 87-26 (September 8, 1987) (with amendments)

Failed of Passage _____

By Order

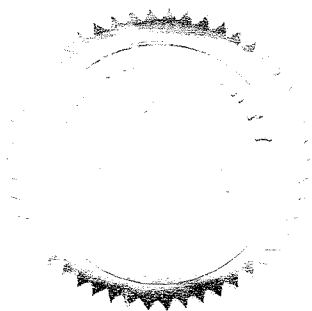
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 9th day of September, 1987
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



[Signature]
County Executive
Date 9-10-87

BY THE COUNCIL

This Bill (No. 87-30, as amended), having been approved by the
Executive and returned to the Council, becomes law on September 10, 1987.

Doris Poulsen, Secretary

EFFECTIVE DATE: November 9, 1987

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